



February 3, 1999

SENATE BILL No. 388

DIGEST OF SB 388 (Updated February 2, 1999 2:24 pm - DI 101)

Citations Affected: IC 5-8.

Synopsis: Holding two elected offices. Provides that an individual who holds an elected office is considered to have resigned from the first office upon assuming another elected office. Provides that an individual who holds a constitutional elected office may not assume another elected office until the individual resigns from the constitutional office. Provides that an individual who performs the duties of two or more elected offices in violation of the law may not be paid for performing the duties of any of the elected offices. Provides that the statute does not apply to an individual or the acts of the individual elected to an office or selected to fill a vacancy in the office before January 1, 2000.

Effective: January 1, 2000.

Skillman

January 11, 1999, read first time and referred to Committee on Elections.
February 2, 1999, amended, reported favorably — Do Pass.

SB 388—LS 7494/DI 75+



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February 3, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 388

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-8-5 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2000]:

4 **Chapter 5. Effect of Assuming a Second Elected Office**

5 **Sec. 1. This chapter does not apply to the following:**

6 (1) An individual who was elected to an office or selected to
7 fill a vacancy in the office before January 1, 2000.

8 (2) The acts of an individual described in subdivision (1) in
9 performing the duties of an office to which the individual was
10 elected or selected before January 1, 2000.

11 **Sec. 2. As used in this chapter, "constitutional office" refers to**
12 **an elected office for which qualifications are set by the Constitution**
13 **of the State of Indiana.**

14 **Sec. 3. As used in this chapter, "elected office" has the meaning**
15 **set forth in IC 3-5-2-17. The term does not include a federal office.**

16 **Sec. 4. An individual is considered to hold an elected office, for**
17 **purposes of this chapter, regardless of the amount of compensation**

SB 388—LS 7494/DI 75+



1 paid or received, if any, for performing the duties of the office.

2 **Sec. 5.** Except as provided in section 6 of this chapter, an
3 individual who holds an elected office is considered to have
4 resigned from the first elected office upon assuming another
5 elected office.

6 **Sec. 6.** An individual who holds a constitutional office may not
7 assume another elected office until the individual resigns from the
8 constitutional office.

9 **Sec. 7. (a)** This section applies to an individual who performs the
10 duties of two (2) or more elected offices in violation of this chapter.

11 **(b)** The individual may not be paid for performing, or
12 reimbursed for any expenses incurred while performing, the duties
13 of any of the elected offices.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Elections, to which was referred Senate Bill No. 388, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 4, after "the" insert "**first**".

Page 2, line 10, delete "." and insert "**in violation of this chapter.**".

and when so amended that said bill do pass.

(Reference is to SB 388 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 10, Nays 0.

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